

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WILLIAM CODY, individually and on behalf	)	
of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:14-cv-5252
v.	)	
	)	
THE NIELSEN COMPANY (US), LLC, a	)	
Delaware limited liability company, NIELSEN	)	
AUDIO, INC., a Delaware corporation, and	)	
SCARBOROUGH RESEARCH, a Delaware	)	
general partnership,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants The Nielsen Company (US), LLC, Nielsen Audio, Inc., and Scarborough Research (“Defendants”), by and through undersigned counsel, petitions this Court under 28 U.S.C. §§ 1331, 1441, and 1446 for the removal to this Court of this action based on federal question jurisdiction. The matter is currently pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division, as Case No. 2014-CH-09529. The grounds for removal are as follows:

1. On or about June 6, 2014, Plaintiff William Cody, individually and on behalf of all others similarly situated (“Plaintiff”), initiated this action by filing a Complaint against Defendants in the Circuit Court of Cook County, Illinois, County Department, Chancery Division.
2. Defendants were served with a copy of the Complaint on June 11, 2014. A true and correct copy of the state court record, including the Complaint, is attached hereto as Exhibit

A. To the best of Defendants' knowledge, Exhibit A includes the only pleadings which have been filed or served by any party in the state court action as of this date.

3. This Court has original federal question jurisdiction under 28 U.S.C. §§ 1331 and 1441(a) over the claim asserted in Plaintiff's Complaint. The Complaint alleges that Defendants violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"). (Exhibit A, Compl. ¶¶ 3-5.) The TCPA was created by, and arises under, federal law. Pursuant to 28 U.S.C. § 1331, "district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. Further, as recognized by the United States Supreme Court, federal district courts have jurisdiction over TCPA claims. *See Mims v. Arrow Fin. Servs. LLC*, 132 S. Ct. 740, 753 (2012) ("Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. § 1331.").

4. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides, in pertinent part, that "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

5. This Court is in the judicial district and division embracing the place where the state court case was brought and is pending. Thus, it is the proper district court to which this case should be removed. *See* 28 U.S.C. §§ 1441(a), 1446(a).

6. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely filed, having been filed within thirty (30) days after Defendants' receipt of the Complaint.

7. Defendants are filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois, County Department, Chancery Division pursuant to 28 U.S.C. § 1446(d).

8. Written notice of the filing of this Notice of Removal has been provided to Plaintiff on this date, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants The Nielsen Company (US), LLC, Nielsen Audio, Inc., and Scarborough Research respectfully request that the above-captioned action now pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division be removed to the United States District Court for the Northern District of Illinois, Eastern Division and that this District Court enter such other and further orders as may be necessary to accomplish the requested removal.

Dated: July 10, 2014

Respectfully submitted,  
THE NIELSEN COMPANY (US), LLC,  
NIELSEN AUDIO, INC., and  
SCARBOROUGH RESEARCH,  
Defendants

By: s/ Sarah A. Zielinski  
One of Their Attorneys

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**CERTIFICATE OF SERVICE**

I, Sarah A. Zielinski, an attorney, hereby certify that I served Defendants' Notice of Removal upon the following attorneys in the manner indicated below this 10<sup>th</sup> day of July, 2014.

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s/ Sarah A. Zielinski

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